Docket No.: 28079/41333

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Barton et al.

Confirmation No.: 3375

Application No.: 07/827,906

Group Art Unit: 1638

Filed: January 30, 1992

Examiner: A. R. Kubelik

For: IMPROVED EXPRESSION OF GENES IN

PLANTS

PETITION TO EXPUNGE PAPERS FROM FILE PURSUANT TO 37 CFR 1.59 (MPEP 724.05)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 Attn: TC1600

Dear Madam:

The applicants hereby identify the following Documents filed as part of the accompanying Information Disclosure Statement ("IDS", copy of transmittal letter and complete list of documents attached hereto) as the subject of this conditional petition to expunge pursuant to 37 C.F.R. §1.59.

Litigation	Documents Subject to Protective Order
(1) Mycogen Corp. v. Monsanto Co., 1:04-CV-	C4 - C13.
0573 DFH-WTL, U.S. District Court for the Southern	
District of Indiana, filed March 30, 2004. (2) Monsanto Co, v. Mycogen Plant Science, Leave	
(2) <u>Monsanto Co. v. Mycogen Plant Science, Inc.</u> , 96-133-RRM, U.S. District Court for the District of	C18-C24; C32 -C33; C38-C40; C42-
Delaware, filed March 19, 1996.	C44; C51-C55; C156-C170.
(3) Mycogen Plant Science, Inc. v. Monsanto Co.	C173; C191- C194.
950653J (LSP), U.S. District Court for the Southern	6175, 6171-6194.
District of California, filed May 19, 1995.	
(4) Mycogen Plant Science, Inc. v. Monsanto Co.	C198-C202; C208-C211; C214-C225;
et al., 96-505-RRM, U.S. District Court for the	C228-C232; C305.
District of Delaware, filed October 22, 1996.	

The Documents to be expunged, listed in the table above, are subject to one or more protective orders, as explained in the IDS, and have not otherwise been made public. The documents have been packaged and labeled in accordance with MPEP 724.02.

The Applicants commit to retain the Documents for the period of any patent issued on the above-mentioned application with regard to which the Documents are presently submitted.

The petition to expunge is being submitted by (on behalf of) the party in interest, Monsanto Company, St. Louis, MO, who originally caused the Documents to be submitted.

The Commissioner is therefore petitioned under 37 C.F.R. 1.59 to expunge the Documents IF THE DOCUMENTS ARE FOUND NOT TO BE IMPORTANT TO A REASONABLE EXAMINER IN DECIDING WHETHER TO ALLOW THE APPLICATION TO ISSUE AS A PATENT. The Applicants request that the evaluation of the importance of each document (and whether it may properly be expunged) be made individually. Applicants understand that this petition will be held in abeyance until the close of prosecution on the merits (MPEP 724.05 (I) and 724.06).

The fee for this petition in the amount of \$200.00 according to 37 C.F.R. 1.17(g) may be charged to our Deposit Account No. 13-2855, under Order No. 28079/41333.

Dated: February 9, 2009

Respectfully submitted,

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Docket No.: 28079/41333

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Kenneth A. Barton et al.

Application No.: 07/827,906

Confirmation No.: 3375

Filed: January 30, 1992

Art Unit: 1638

For: IMPROV

IMPROVED EXPRESSION OF GENES IN

PLANTS

Examiner: A. R. Kubelik

INFORMATION DISCLOSURE STATEMENT WITH DOCUMENTS UNDER SEAL

MS Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Applicants request that this Information Disclosure Statement be entered and considered by the examiner during the prosecution of this application and that the references be made of record therein (except as noted in the next paragraph).

A copy of each listed document is filed herewith, although many of the enclosed documents are being submitted under seal with the labels appended hereto. Some of the documents in this Information Disclosure Statement are subject to protective orders entered in prior litigations and are being submitted under seal for consideration by the Examiner under MPEP § 724, without scanning or publication by the USPTO. These documents are labeled in accordance with MPEP § 724.02 and are identified in the table below. Applicants also submit a petition and fee under 37 CFR § 1.59, requesting that these documents be expunged from the file.

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Litigation	Documents Subject to D
(1) Mycogen Corp. v. Monsanto Co., 1:04-CV-0573 DFH-WTL, U.S. District Court for the Southern District of Indiana, filed March 30, 2004.	Documents Subject to Protective Order C4 - C13.
(2) Monsanto Co. v. Mycogen Plant Science, Inc., 96-133-RRM, U.S. District Court for the District of Delaware, filed March 19, 1996.	C18 - C24; C32 - C33; C38 - C40; C42 - C44; C51-C55; C156 - C170.
(3) Mycogen Plant Science, Inc. v. Monsanto Co., 950653J (LSP), U.S. District Court for the Southern District of California, filed May 19, 1995.	C173; C191- C194.
(4) Mycogen Plant Science, Inc. v. Monsanto Co. et al., P6-505-RRM, U.S. District Court for the District of Delaware, Tiled October 22, 1996.	C198-C202; C208-C211; C214-C225; C228 C232; C305

The documents in this Information Disclosure Statement originate from four separate litigations which may be viewed as related to the subject matter for which a patent is being sought on the above identified application. Such submission is made in accordance with MPEP §2001.06 (c) and 37 CFR §§1.56, 1.97, and 1.98, and should not be construed as a representation that a search has been made or as an admission that the information cited is, or is considered to be, material to patentability as defined in 37 CFR § 1.56(b). A general overview of these prior litigations is provided below for the Examiner's convenience. Should the Examiner have questions regarding these litigations, the undersigned attorney would be happy to attempt to provide answers.

(1) Mycogen Corp. v. Monsanto Co., 1:04-CV-0573 DFH-WTL, U.S. District Court for the Southern District of Indiana, filed March 30, 2004. Documents C1 to C14 are from this litigation. Mycogen filed suit against Monsanto pursuant to 35 U.S.C. § 146 for dissatisfaction with the Final Decision of the Board of Patent Appeals and Interferences for Patent Interference No. 103,781 ("the '781 Interference") (C1: Exhibit A). The patent and applications involved in the interference were (a) U.S.S.N. 08/434,105, filed May 3, 1995, a pending application of inventors David Fischhoff et al.; (b) U.S. Application No. 07/827,906 of inventors Barton et al., filed Jan. 30, 1992 (the present application); and (c) U.S. Patent No. 5,380,831 ("the '831 patent") of inventors Adang et al., filed May 3, 1993. The complaint is document C1, Monsanto's answer is C2, and Mycogen's reply is C3.

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The interference was eventually defined by the following "Count 2": (a) any one of claims 3, 5, 39, and 40 of Fischhoff et al.'s application 08/434,105, filed May 3, 1995, (b) any one of claims 1-4, 7, and 15-22 of Barton et al.'s application 07/827,906, filed January 30, 1992, and (c) any one of claims 1-12 of Adang et al.'s '831 patent (C1: Exhibit A at 194). As common owner of the Fischhoff and Barton applications, Monsanto elected Fischhoff as the first to invent the subject matter of Count 2 (C1: Exhibit A at 54). Thereafter, the Board granted priority to Fischhoff over Adang based upon findings that Fischhoff had a prior conception and reduction to practice and that Adang was not diligent in their reduction to practice (C1: Exhibit A at 2). The Board also held that Barton et al. were not entitled to a patent containing claims 1-12 of the '831 patent.

During the § 146 action, Mycogen asserted various dates of conception and reduction to practice for Barton and Adang regarding the inventive subject matter of Count 2 and the invention of modifying the coding sequence of a Bt gene to reduce the number of polyadenylation signals and ATTTA nucleotide sequences in the coding sequence (C4 at 9-14). Monsanto also asserted various dates of conception and reduction to practice for Barton and Fischhoff regarding the subject matter of Count 2 and the invention of modifying the coding sequence of a Bt gene to reduce the number of polyadenylation signals and ATTTA nucleotide sequences in the coding sequence (C5 at 6-11).

Monsanto also responded that it was dissatisfied with certain findings of the Board, including the Board's finding that Fischhoff was not entitled to a conception date of October 30, 1986 (C5 at 3-6). Monsanto proffered expert reports by Mr. John Goolkasian and Dr. Joachim Messing to address these issues (C6, C7, C9). Mycogen proffered expert reports by Dr. Joseph Falkinham to address these issues (C8, C10). Monsanto also filed a motion for summary judgment that Fischhoff was the first to invent the subject matter of Count 2 (C11; Opposition at C12; Reply at C13). The Court also issued an opinion as to certain pending motions (C14). Monsanto and Mycogen discovery responses addressing these issues are provided as documents C4-C5.

Monsanto and Mycogen settled the § 146 action before final adjudication. This resulted in Mycogen withdrawing its allegations of prior invention by Barton and Adang, thus leaving intact the Board's grant of prior invention to Fischhoff over Adang regarding Count

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Litigations (3) and (4), described below, also relate to Mycogen's U.S. Patent No. 5,380,831.

(2) Monsanto Co. v. Mycogen Plant Science, Inc., 96-133-RRM, U.S. District Court for the District of Delaware, filed March 19, 1996. Documents C15 to C170 are from this litigation. This litigation related to U.S. Patent No. 5,500,365 ("the '365 patent") which issued from a divisional application of Fishchhoff et al., U.S.S.N. 08/434,105. In this litigation, Monsanto asserted that Mycogen Plant Science, Agrigenetics, and Ciba-Geigy had infringed the '365 patent by making, using, and/or selling corn products containing Event 176, a trait directed to conferring resistance to insects.

Prior art asserted by Ciba and Mycogen is included in their notices under 35 U.S.C. § 282 (C15-17). Interrogatory responses related to the parties invalidity contentions are documents C18-C24.

Expert reports were also submitted by the parties on the litigated issues, including those found at C156-C170. Expert reports proffered by Monsanto included reports by Nam-Hai Chua (C169-C170) and John Goolkasian (C166-C167). Expert reports by Mycogen included reports by Lawrence Bogorad (C161), Michael Adang (C156), and Joseph Falkinham (C163-C165). Expert reports by Novartis included reports Arthur Aronson (C157), Julia Bailey-Serres (C158, C168), and John Dewhirst (C162).

The defendants filed various summary judgment motions. Ciba-Geigy moved for summary judgment of invalidity based on prior inventorship under 35 U.S.C. § 102(g) ((C38); Monsanto Opposition (C39); Ciba Reply (C40)). Mycogen moved for summary judgment of invalidity based on obviousness under 35 U.S.C. § 103 ((C41-C42); Monsanto Opposition (C43); Mycogen Reply (C44)). Mycogen and Ciba-Geigy filed a motion to dismiss under Rule 12(b)(6) for failure to comply with the written description requirement of 35 U.S.C. § 112 ¶ 1 ((C45-47); Monsanto Opposition (C48); Reply (C49)). A court hearing was held, in part, on this motion (C37). The motion was denied (C50). Ciba-Geigy and Mycogen filed summary judgment motions asserting that the '365 patent was invalid for lack of written description under 35 U.S.C. § 112 ((C51, C52); Monsanto Opposition (C53); Ciba-Geigy and Mycogen Replies (C54 and C55)).

A jury trial was held on issues of infringement and invalidity. Trial transcripts that may be viewed as relevant to the subject matter for which a patent is sought on the above application may be found as documents C61-C155. Included in the transcripts are testimony

by inventors Fischhoff (C91, C129-132) and Perlak (C89, C95, C110-113). Testimony by alleged prior inventors Barton and Miller may be found as documents C82, C86, and C88. Expert testimony introduced by Monsanto included Nam-Hai Chua (C76-C81, C109, C135-6) and John Goolkasian (C71-75, C166-7). Expert testimony introduced by Mycogen included Lawrence Bogorad (C146-8); Michael Adang (C99-101); and Joseph Falkinham (C106-8). Expert testimony introduced by Novartis included Julia Bailey-Serres (C92-4) and John Dewhirst (C83-5).

The jury found that the asserted claims (claims 7, 8, 9, and 12) were literally infringed, but that the accused products were so far changed from the principle of the claimed invention that they did not infringe under the reverse doctrine of equivalents (C59 at 5). The jury also found that the asserted claims were invalid because of prior invention by scientists at Agracetus, Barton and Miller (C59 at 5). The Court later held a bench trial regarding whether the '365 patent was unenforceable due to alleged inequitable conduct by Monsanto (C59 at 5). Fischhoff also testified during the bench trial (C149-152).

All of the parties requested judgment as a matter of law (JMOL) after trial on various issues. Monsanto's JMOL briefing on non-infringement under the reverse doctrine of equivalents and invalidity by prior invention may be found as documents C25, C29, and C36, with opposition briefing as documents C32 and C33. Mycogen's and Novartis' JMOL briefing on invalidity due to lack of written description, indefiniteness, and obviousness may be found as documents C26-28, C30, and C34-35, with opposition briefing as document C31.

The Court issued an opinion on the JMOL's and inequitable conduct (C58, C59). The Court denied Monsanto's JMOL on invalidity for prior invention (C59 at 101-115). Specifically, the Court found that while Fischhoff reduced the asserted claims to practice before Barton and Miller (C59 at 106-111), the jury could have found that Barton and Miller conceived first and were diligent in reducing to practice (C59 at 111-115). The Court found in favor of Monsanto on the issue of infringement under the reverse doctrine of equivalents and entered judgment as a matter of law for Monsanto on the issue (C59 at 115-121). The Court denied Mycogen's and Novartis' JMOL's on invalidity due to lack of written description (C59 at 121-127), indefiniteness (C59 at 128-130), and obviousness (C59 at 130-132). The Court also found that Monsanto had not committed inequitable conduct during prosecution of the '365 patent (C59 at 136-148). The result of the Court's opinion was that

the defendants were found to have infringed the asserted claims of the '365 patent, but these claims were invalid based on prior invention by Barton and Miller.

Monsanto appealed to the Federal Circuit regarding prior invention by Barton and Miller (C60). The Federal Circuit upheld the district court's decision and affirmed in favor of the defendants on the issue (C60 at 12).

(3) Mycogen Plant Science, Inc. v. Monsanto Co., 950653J (LSP), U.S. District Court for the Southern District of California, filed May 19, 1995. Documents C171 to C194 are from this litigation. In this litigation, Mycogen asserted that Monsanto had willfully infringed Adang's '831 patent by making, using, and/or selling products containing Monsanto's BollGard® cotton gene, Monsanto's YieldGard® corn gene, Monsanto's NewLeaf® potato gene, Northrup King Bt 11 event gene, or the Stoneville cotton gene. In response, Monsanto asserted, inter alia, that Monsanto scientists Fred Perlak and David Fischhoff invented the claimed invention of the '831 patent prior to Mycogen. (The '831 patent was also the subject of the '781 Interference described above.)

Monsanto proffered expert reports by Mr. John Goolkasian, Mr. Dallas Johnson, and Dr. Joachim Messing (C191, C192, C193). Mycogen proffered an expert report by Dr. Joseph Falkinham (C194). Interrogatory responses are provided as documents C171-173.

On December 28, 1995, Mycogen moved for summary judgment of validity of the '831 patent claims ((C174-175); Monsanto's Opposition (C176), Mycogen's Reply (C177)). In denying Mycogen's motion, the Court declined to "make a ruling that Monsanto has failed to establish the invalidity of Mycogen's patent" (C178 at 3).

Sometime later, on March 30, 1998, Monsanto moved for summary judgment of invalidity under 35 U.S.C. §§ 102(g) and 103 ((C179); Mycogen's Opposition (C180); Monsanto's Reply (C181)). Monsanto further moved for summary judgment that the '831 patent claims were invalid under 35 U.S.C. § 112 ((C182); Mycogen's Opposition (C183); Monsanto's Reply (C184)). Following oral arguments on the summary judgment motions, the Court stayed the proceedings until the post-trial motions in the related case in Delaware were complete (see section (4) below). On September 8, 1999, following rulings on these motions in Delaware, the Court lifted the stay and granted Monsanto's motion for summary judgment pursuant to 35 U.S.C. §§ 102(g) and 103 (C185). The Court denied Monsanto's motion for summary judgment under 35 U.S.C. § 112 as moot. See C185.

These decisions were appealed to the Federal Circuit. Upon reviewing the district court's prior invention determination, the Federal Circuit concluded that summary judgment was improper because fact issues remained to be resolved on the issue of prior inventorship. C186 (Mycogen Plant Science, Inc. v. Monsanto Co., 252 F.3d 1306, 1314 (Fed. Cir. 2001). The Federal Circuit declined to rule on Monsanto's motion for summary judgment of invalidity under 35 U.S.C. § 112, leaving it to the district court to resolve in the first instance. Mycogen Plant Science, 252 F.3d at 1317.

Following the Federal Circuit decision, Monsanto renewed its motion for summary judgment of invalidity under 35 U.S.C. § 112 (C187, Mycogen's Opposition at C188, Monsanto's Reply at C189). The Court denied Monsanto's motion on June 4, 2002 (C190). Subsequently, Mycogen dismissed all pending claims with prejudice.

(4) Mycogen Plant Science, Inc. v. Monsanto Co. et al., 96-505-RRM, U.S. District Court for the District of Delaware, filed October 22, 1996. Documents C195 to C305 are from this litigation. This litigation related to patents issuing from continuing applications of Adang's '831 patent—specifically, U.S. Patent Nos. 5,567,600 ("the '600 patent") and 5,567,862 ("the '862 patent). In this litigation, Mycogen asserted that Monsanto had willfully infringed the '600 and '862 patents by making, using, and/or selling products containing Monsanto's BollGard® cotton gene, Monsanto's YieldGard® corn gene, Monsanto's NewLeaf® potato gene, Northrup King Bt 11 event gene, or the Stoneville cotton gene. Monsanto asserted, inter alia, that Monsanto scientists Fred Perlak and David Fischhoff invented the claimed invention of the '600 and '862 patents prior to the Mycogen inventors. In response to that allegation, Mycogen further asserted that Monsanto had derived the subject matter claimed in the '600 and '862 patents from Mycogen.

Prior art asserted by Monsanto and Delta and Pine Land Company and by DeKalb Genetics are included in their notices under 35 U.S.C. § 282 (C195-196). Interrogatory responses are at C197-202. Monsanto also proffered expert reports on the litigated issues by Mr. Donald Banner, Mr. Dallas Johnson, and Dr. Joachim Messing (C228, C229, C230 respectively). Mycogen proffered expert reports by Mr. Lawrence Bogorad and Dr. Joseph Falkinham (C231, C232).

Prior to trial, Monsanto filed a summary judgment motion of invalidity under 35 U.S.C. § 102(g) asserting that Mycogen was not the first to invent the subject matter of the '862 and '600 patents ((C214, C216 (amended)); Mycogen's Opposition (C215); Monsanto's

Reply (C217)). Monsanto also filed a summary judgment motion of invalidity under 35 U.S.C. § 112 asserting that the '862 and '600 patents failed to satisfy the enablement requirement and would require undue experimentation in order to practice the claimed invention ((C218), Mycogen's Opposition (C219-220); Monsanto's Reply (C221)). Codefendant DeKalb Genetics Corp. filed its summary judgment motion of invalidity under 35 U.S.C. § 112, asserting that the '862 and '600 patents failed to satisfy the enablement requirement ((C222); Mycogen's Opposition (C223-224); DeKalb's Reply (C225)). Letters addressed to the Court regarding the above summary judgment motions are included as documents C212-213. The district court judge did not grant any of these motions.

A jury trial was held on issues of infringement and invalidity. Trial transcripts that may be viewed as relevant to the subject matter for which a patent is sought on the above application may be found as documents C234 to C304. Included within the trial transcripts are testimony by both Elizabeth Murray (C237 to C241) and Michael Adang (C277 to C280) and Mycogen experts Mr. Lawrence Bogorad and Dr. Joseph Falkinham (C273 to C276). Also included within the trial transcripts are testimony by Monsanto scientists Fred Perlak (C242 to C244) and David Fischhoff (C256 to C258) as well as testimony by Monsanto expert Dr. Joachim Messing (C259, C260).

The jury found that the claimed invention of the '600 and '862 patents were invalid due to prior invention by Monsanto and entered a "N/A" as to the remaining invalidity issues (C226 at 10-12). The Delaware court entered a judgment declaring that the '600 and '862 patents were invalid based upon the jury's determination that Monsanto was the first to invent the technology underlying those patents. See C226. All parties moved for judgment as a matter of law (JMOL) on various issues following entry of the judgment. Mycogen moved for JMOL on the issues of prior inventorship and obviousness and moved for a new trial ((C203, C204); Monsanto's Opposition (C205); DeKalb's Opposition (C206); Mycogen's Reply (C207)). Monsanto moved for JMOL on invalidity based on prior invention and invalidity due to lack of enablement as well as indefiniteness ((C208, C209, C210); Mycogen's Opposition (C305); Monsanto's Reply (C211)).

The Court issued an opinion on the JMOL motions (C227) which denied Mycogen's motion for JMOL and granted Monsanto's motion for JMOL holding that the claims of the '600 and '862 patents were invalid for lack of enablement.

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On appeal, the Federal Circuit affirmed the jury's verdict of invalidity based upon prior invention pursuant to 35 U.S.C. § 102(g). See C233. It found that this rendered a ruling on the district court's grant of Monsanto's JMOL of lack of enablement pursuant to 35 U.S.C. § 112, unnecessary (C233).

This Information Disclosure Statement is filed after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Office Action or Notice of Allowance (37 CFR 1.97(c)). Accordingly, our check in the amount of \$180.00 covering the fee set forth in 37 CFR 1.17(p) is enclosed. Should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from our Deposit Account No. 13-2855, under Order No. 28079/41333.

Dated: February 9, 2009

Respectfully submitted,

By_______
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Approved for use through 11/30/2008 OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Subst	titute for form 1449/I	РТО		Complete if Known		
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	U.S. PATENT DOCUMENTS								
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	FOREIGN PATENT DOCUMENTS								
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Examiner	Cite	NON PATENT LITERATURE DOCUMENTS	
nitials	No.1	the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue	T
	C1	1:04-CV-0573 DFH-WTI LLS District Court for the Court for	+
	C2	Monsanto Co., 1:04-CV-0573 DFH-WTL, U.S. District Court for the Southern District of Indiana	H
	С3	Mycogen's Reply to Monsanto's Counterclaims, as filed in Mycogen Corp. v. Monsanto Co.,	H
	C4	Mycogen's Response to Monsanto's First Set of Interrogatories (1-18), as filed in <i>Mycogen</i> of Indiana (Indianapolis). Orp. v. Monsanto Co., 1:04-CV-0573 DFH-WTL, U.S. District Court for the Southern District	
	C5	Monsanto's Response to Mycogen's First Set of Interrogatories (Nos. 1-14), as filed in Mycogen Corp. v. Monsanto Co., 1:04-CV-0573 DFH-WTL, U.S. District Court for the	
	C6	Monsanto's Expert Report of John T. Goolkasian, as filed in Mycogen Corp. v. Monsanto Co.,	
		1:04-CV-0573 DFH-WTL U.S. District Court for the Court for	-
	-	1.04-CV-0573 DFH-WTI U.S. District Court forth, as filed in Mycogen Corp. v. Monsanto Co.	
	C9	Monsanto's Rebuttal Expert Report of Dr. Joachim Messing, as filed in <i>Mycogen Corp. v.</i> (Indianapolis).	
	(Mycogen's Rebuttal Expert Report of Dr. Joseph Falkinham, as filed in Mycogen Corp. v. Monsanto Co., 1:04-CV-0573 DFH-WTL, U.S. District Court for the Southern District of Indiana (Indianapolis).	
	5	Monsanto's Motion for Summary Judgment Regarding Fischhoff's Priority of Invention, as filed Mycogen Corp. v. Monsanto Co., 1:04-CV-0573 DFH-WTL, U.S. District Court for the Southern District of Indiana (Indianapolis).	
	C12 N	Mycogen's Opposition to Monsanto's Motion for Summary Judgment Regarding Fischhoff's Priority of Invention, as filed in Mycogen Corp. v. Monsanto Co., 1:04-CV-0573 DFH-WTL, U.S. District Court for the Southern District of Indiana (Indianapolis).	_

Examiner		
Signature	Date	
	Considered	

PTO/SB/08b (10-08)

Approved for use through 11/30/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

ubstitute fo	r form 1449/F	то		Complete if Known		
				Application Number	07/827,906-Conf. #3375	
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2 Of 23		Attorney Docket Number	28079/41333			
C1:	DFH-W Entry of of inven denied;	TL, U.S. Distriction and as to Mycogen's M	ict Court for the So ions re denying Mo Fischhoff; Monsa lotion to Exclude G	outhern District of India onsanto's Motions for S anto's Motion to Excluding the College of the	Summary Judgment Regarding Monsanto Co., 1:04-CV-0573 and (Indianapolis). Summary Judgment as to priority le Falkinham testimony is granted, as filed in Mycogen	

C13	Monsanto's Reply Memorandum in Support of Its Motion for Summary Judgment Regarding Fischhoff's Priority of Invention, as filed in <i>Mycogen Corp. v. Monsanto Co.</i> , 1:04-CV-0573 DFH-WTL, U.S. District Court for the Southern District of Indiana (Indianapolis).	Γ
C14	of invention and as to Fischhoff; Monsanto's Motions for Summary Judgment as to priority denied; Mycogen's Motion to Exclude Goolkasian testimony is granted, as filed in <i>Mycogen Corp. v. Monsanto Co.</i> , 1:04-CV-0573 DFH-WTL, U.S. District Court for the Southern District of Indiana (Indianapolis).	
C15	Inc., Agrigenetics, Inc., and Ciba-Geigy Corp., 96-133-RRM, United States Court District of	
	Notice of Mycogen's and Agrigenetic's Pursuant to 35 U.S.C. § 282, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware.	
	Ciba's Supplement to the Notice Pursuant to 35 U.S.C. §282, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware.	
	Monsanto Company's Responses to Ciba-Geigy Corporation's First Set of Interrogatories (Nos. 1-6), as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware.	
	filed in Monsanto Company's Answers to Ciba-Geigy Corporation's Second Set of Interrogatories, as filed in Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp., 96-133-RRM, United States Court District of Delaware	
C20	Monsanto Company's Responses to Ciba-Geigy Corporation's Set of Extra Interrogatories to Monsanto Company, as filed in Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp., 96-133-RRM. United States Court District of Date.	\exists
52.	Mycogen States Court District of Delaware.	\exists
	Monsanto Company's Answers to Mycogen Plant Science, Inc. and Agrigenetics, Inc.'s Interrogatories 31-40, as filed in Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp., 96-133-RRM, United States Court District of Delaware.	\exists
(Nos. 1-14), as filed in Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp., 96-133-RRM, United States Court District of Delayage.	7
C24 N	First Set of Interrogatories (1-9) to MPS and Agrigenetics, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of Delaware.	1
C25 M fil	Monsanto's Motion For Judgment As A Matter of Law Or. In the Alternative, A New Trial, as led in Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp., 96-133-RRM, United States Court District of Delaware	1
C26 N S	ovartis' Motion For Judgment As A Matter of Law, as filed in Monsanto Co. v. Mycogen Plant cience, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp., 96-133-RRM, United States Court istrict of Delaware.	1

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- 1	3005111	ute for form 1449/PTO					Complete if Known
- 1	INF	ORMATIO	N D	ISCLOSURE	Application	Number	07/827,906-Conf. #3375
- 1	ST	ATEMENT	DV	ADDITIONAL	Filing Date		January 30, 1992
- 1	017	ALCIAICIAI I	DT,	APPLICANT	First Named		Kenneth A. Barton
		(Use as many sh	eets as	S Necessary)	Art Unit		1638
	T	3	<u> </u>		Examiner Name A. R. Kubelik		
<u> </u>		y	of	23	Attorney Doc	ket Number 2	8079/41333
		Delaware. C28 Novartis' Or	enina	, and Ciba-Geigy Corp.,	96-133-RF	RM, United S	
		Monsanto's Alternative, A Agrigenetics, Delaware.	Brief in A New	M, United States Court In Support of Its Motion for Trial, as filed in Monsal and Ciba-Geigy Corp., 9	District of D for Judgmei nto Co. v. M 96-133-RRI	lelaware. nt As a Matto Mycogen Pla M, United St	erics, inc., and Ciba-Geigy er of Law or, In The nt Science, Inc., ates Court District of
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	C3:	Delaware. Mycogen's Brief The Alternative Agrigenetics, Ir Delaware.	ef In C , A Ne nc., an	oc., and Ciba-Geigy Corposition To Monsanto' ew Trial, as filed in Mons and Ciba-Geigy Corp., 96-	p., 96-133-6 's Motion fo santo Co. v. -133-RRM,	RRM, United T Judgment Mycogen F United State	is Court District of
	C34	Alternatively, A Science, Inc., A District of Delaw	ly Brie Partia griger vare.	ef in Support of Its Motion New Trial on Limited Is netics, Inc., and Ciba-Ge	on for Judgn ssues, as fil eigy Corp., 9	nent as a Ma led in <i>Monsa</i> 96-133-RRM	atter of Law or, anto Co. v. Mycogen Plant United States Court
	C36	Monsanto's Rep	ly Brie	Inited States Court Distret in Support of It's Motio	rict of Delaw	vare.	atter of Laws and Ti
		Delaware. Hearing Transcrip Monsanto Co. v. 133-RRM. United	ot of 7	7/17/96 Hearing on Pend gen Plant Science, Inc.,	ling Motions Agrigenetic	pages 1-3 s, Inc., and	and 44-61, as filed in
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- 1	INEO	DIEATIO		_	Application Number				
- 1	CTA	RMAIIO	N DISC	LOSURE	Filing Date	07/827,906-Conf. #3375	<u> </u>		
- 1	SIA	EMENT	BY AP	PLICANT	First Named Inventor	January 30, 1992			
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L		4	Of	23		A. R. Kubelik			
Г	C4	() Ciba's Box				28079/41333			
-	C4	Delaware.	r Show to	Ciba-Geigy Corp.,	, 96-133-RRM, United	nent of Invalidity of the '365 Mycogen Plant Science, Inc. States Court District of	- 1		
	C42	Corp., 96-13	3-RRM LU	nited State	cience, Inc., Agrigenei	Brief in Support of its Motio S.C. § 103 (Obviousness) , a tics, Inc., and Ciba-Geigy	s		
	C42	U.S.C. §103 Agrigenetics, Delaware.	(OBVIOUS	Brief for Summary SNESS) , as filed in Ciba-Geigy Corp., 9	Judgment That the '36 Monsanto Co. v. Myc 96-133-RRM, United S	65 Patent is Invalid Under 35 cogen Plant Science, Inc., States Court District of	- 1		
	C44	District of Del	aware.	cs, Inc., and Ciba-	Geigy Corp., 96-133-F	Judgment That the '365 Pater anto Co. v. Mycogen Plant RRM, United States Court ment that the '365 Patent is			
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Examiner Signature

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- 1	C57	1300	ioment in Fa	war a	(Dafa			
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		Geig _y	/ Corp., 96-1	33-RF	ng Statement by Mr. Lyno Into Co. v. Mycogen Plar RM, United States Court	nt Science, Inc., Agrigo	enetics, Inc., and Ciba-	

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INF	ORMATION	DISCLOSURE	Application Number	07/827,906-Conf. #3375	
STA	TEMENT DV	APPLICANT	Filing Date	January 30, 1992	
0.7	CICIAICIAI DI	APPLICANT	First Named Inventor	Kenneth A. Barton	
	(Use as many sheets	as necessary)	Art Unit 1638		
	6 Of		Examiner Name	A. R. Kubelik	
		23	Attorney Docket Number	28079/41333	
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C68	Trial Transcript, Stepages 244-253, dated June 16 Trial Transcript, Stepages 255, dated June 16	ephen Rogers, Cross exa ted June 16, 1998, as file and Ciba-Geigy Corp., 96-	Inited States Court Distribution by Mr. Olson and in Monsanto Co. v. / i-133-RRM, United States armination by Mr. Lynn	strict of Delaware. n (Mycogen/Agrigenetics), Mycogen Plant Science, Inc., ates Court District of	
C70	Delaware. Trial Transcript, Step as filed in Monsanto Corp., 96-133-RRM, Trial Transcript, John 372, 375-399, detection	phen Rogers, Transition s Co. v. Mycogen Plant Sc. United States Court Distr n Goolkasian, Direct exam	tatements, pages 255 sience, Inc., Agrigenetic rict of Delaware.	tes Court District of 5-257, dated June 16, 1998, ics, Inc., and Ciba-Geigy	
C72	Delaware. Trial Transcript, John dated June 16, 1998	Goolkasian, Cross exami	33-RRM, United State	es Court District of	
C73	Trial Transcript, John (Mycogen/Agrigenetic Mycogen Plant Science States Court District of	Goolkasian, Cross examinas), pages 401-422, dated co., Inc., Agrigenetics, Inc., f Delaware	ed States Court Distriction by Mr. Dickerson June 16, 1998, as file and Ciba-Geigy Comp.	on on 133 PRA LLC V.	
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NEORMAT	ION DISC	CLOSURE	Application Number	07/827,906-Conf. #3375	
STATEMEN	IT BY AD	LUSURE	Filing Date	January 30, 1992	
STATEMEN	VI DI AP	PLICANT	First Named Inventor	Kenneth A. Barton	
(Use as ma	ny sheets as nec	essarv)	Art Unit	1638	
		Examiner Name	A. R. Kubelik		
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	 C75 Trial Transcript, John Goolkasian Transition statements, pages 423-425, dated June 16, 1998, as filed in Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy C76 Trial Transcript, John Goolkasian Transition statements, pages 423-425, dated June 16, 1998, Corp., 96-133-RRM, United States Court District of Delaware. C76 Trial Transcript, John Goolkasian Transition statements, pages 423-425, dated June 16, 1998, District of Delaware. C76 Trial Transcript, John Goolkasian Transition statements, pages 423-425, dated June 16, 1998, District of Delaware. C77 Trial Transcript, John Goolkasian Transition statements, pages 423-425, dated June 16, 1998, District of Delaware. C78 Trial Transcript, John Goolkasian Transition statements, pages 423-425, dated June 16, 1998, District of Delaware. C79 Trial Transcript, John Goolkasian Transition statements, pages 423-425, dated June 16, 1998, District of Delaware. C70 Trial Transcript, John Goolkasian Transition statements, pages 423-425, dated June 16, 1998, District of Delaware. C70 Trial Transcript, John Goolkasian Transition statements, pages 423-425, dated June 16, 1998, District of Delaware. C70 Trial Transcript, John Goolkasian Transition statements, pages 423-425, dated June 16, 1998, District of Delaware. 						
		436, 440-47 Agrigenetic Delaware.	72, dated J s, Inc., and	June 16, 1998, as d Ciba-Geigy Cor	rect examination by Mr. Is filed in <i>Monsanto Co. v.</i> p., 96-133-RRM, United	States Court District of	
		Trial Transc 486, dated . <i>Agrigenetics</i> Delaware.	ript, Dr. Na lune 16, 19 s, <i>Inc., and</i>	am-Hai Chua, Cr 998, as filed in <i>M</i> <i>' Ciba-Geigy Con</i>	oss examination by Mr. E consanto Co. v. Mycogen p., 96-133-RRM, United S	Drivas (Novartis), pages 472- Plant Science, Inc., States Court District of	
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C84	Tri	al Transcript	John Davi	D., 96-133-RRM, I	United States Court Distr	rict of Delaware	
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C86	199	I Transcript, 8. as filed in	Deposition	Testimony of Mi	chael Miller, pages 1102	-1110 dated lung 10	
C87	Trial	Transcript, [8]. as filed in 1	133-RRM, Deposition	United States Co Testimony of Sai	ourt District of Delaware. ndra Cannon, pages 111	lenetics, Inc., and Ciba-	
	Geig	y Corp., 96-	133-RRM,	United States Co	ndra Cannon, pages 111 Plant Science, Inc., Agrige urt District of Delaware.	enetics, Inc., and Ciba-	

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Substitute for form 1449/	PIO			Complete if Known
INFORMAT	ION DIC	31.00	Application Number	07/827,906-Conf. #3375
INFORMAT	10 N 10 C	LOSURE	Filing Date	January 30, 1992
STATEMEN	II BY AP	PLICANT	First Named Inventor	Kenneth A. Barton
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			Examiner Name	A. R. Kubelik
8	Of	2 3	Attorney Docket Number	

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		Trial Transcript, Transition Statements regarding Michael Miller and Sandra Cannon, pages 1125, dated June 19, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of	
	C89	 Trial Transcript, Deposition Testimony of Fred Perlak, pages 1125-1137, dated June 19, 1998 as filed in Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Trial Transcript, Deposition Testimony of Fred Perlak, pages 1125-1137, dated June 19, 1998 Trial Transcript, Deposition Testimony of Fred Perlak, pages 1125-1137, dated June 19, 1998 Trial Transcript, Deposition Testimony of Fred Perlak, pages 1125-1137, dated June 19, 1998 Trial Transcript, Deposition Testimony of Fred Perlak, pages 1125-1137, dated June 19, 1998 Trial Transcript, Deposition Testimony of Fred Perlak, pages 1125-1137, dated June 19, 1998 Trial Transcript, Deposition Testimony of Fred Perlak, pages 1125-1137, dated June 19, 1998 	3,
	C90	Trial Transcript, Deposition Testimony of Edgar Lawson, pages 1137-1139, dated June 19, 1998, as filed in Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp., 96-133-RRM, United States County Science, Inc., Agrigenetics, Inc., and Ciba-	+
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Office of the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number Substitute for form 1449/PTO Complete if Known **Application Number** 07/827,906-Conf. #3375 INFORMATION DISCLOSURE Filing Date January 30, 1992 STATEMENT BY APPLICANT First Named Inventor Kenneth A. Barton Art Unit 1638 (Use as many sheets as necessary) Examiner Name A. R. Kubelik 9 Of 23 Attorney Docket Number 28079/41333

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Examiner		
Signature	Date	
	Considered	

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Substitute for form 1.449/PTO			Complete if Known		
VEODMATI	ON DIG	21.00	Application Number	07/827,906-Conf. #3375	
NFORMATI	CIA DI26	LUSURE	Filing Date	January 30, 1992	
STATEMENT BY APPLICANT			First Named Inventor	Kenneth A. Barton	
(Use as many	y sheets as nec	'Assand	Art Unit	1638	
	1 1	essary)	Examiner Name	A. R. Kubelik	
12 Of 23		Attorney Docket Number	28079/41333		

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(C137 Trial Transcript, Opening Statement by Mr. D.
	Trial Transcript, Opening Statement by Mr. Drivas (Novartis) on inequitable conduct, pages 2209-2227, dated June 26, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of
C	Trial Transcript, Opening Statement by Mr. Tomasch (Mycogen/Agrigenetics) on inequitable conduct, pages 2228-2253, dated June 26, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court
С	139 Trial Transcript Closing Amurant Att.
	Ciba-Geigy Corp., 96-133-RRM, United States Court District of Delaware.
	1998, as filed in Monsanto Co. v. Mycogen Plant Science, Inc., Agrigenetics, Inc., and Cibe.
	dated June 29, 1998, as filed in May Mr. Olson (Mycogen/Agrigenetics), pages 2371-2414
C1-	42 Trial Transcript, Rebuttal Argument by Mr. Lynch (Monsanto), pages 2414-2421, dated tupe
1	Ciba-Geigy Corp., 96-133-RRM, United States Court District of Delaware.
1	Gelay Com 96-133-PDM Haited Chile
. 1	dated June 29, 1998, as filed in Monsanto Co. v. Mycogen Plant Science, Inc., Agriganetics
	2432-2446, dated June 29, 1998, as filed in <i>Monsanto Co. v. Mycogen Plant Science, Inc., and Ciba-Geigy Corp.</i> , 96-133-RRM, United States Court District of
	Trial Transcript, Lawrence Bogorad, Direct examination by Mr. Tomasch (Mycogen/Agrigenetics), pages 2447-2493, dated June 29, 1998, as filed in Monsanto Co. v. States Court District of Delaware.
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Examiner		
Signature	Date	
	Considered	

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Substitute for form 1449/PTO				Complete if Known
INFORMA-	TION DIG	201.001.5-	Application Number	07/827,906-Conf. #3375
INFORMATION DISCLOSURE STATEMENT BY APPLICANT			Filing Date	January 30, 1992
			First Named Inventor	Kenneth A. Barton
(Use as m	any sheets as r	lecessary)	Art Unit	1638
		Examiner Name	A. R. Kubelik	
13	13 Of 23		Attorney Docket Number	28079/41333

] 0,]	23	Attorney Docket Number	28079/41333
		Mycogen I States Co.	Plant Sc	ience, Inc., Agrigei	elgonia ciba-Gelg	, as filed in Monsanto Co. v.
		Trial Trans July 8, 199 Ciba-Geim	script, Da 18, as file 1. Com	avid Fishhoff, Exan ed in <i>Monsanto Co</i>	nination by Mr. Drivas (No. v. Mycogen Plant Science	vartis), pages 2614-2645, date
		Trial Trans dated July	cript, Da 8, 1998, iba-Geio	vid Fishhoff, Exam as filed in Monsar	nination by Ms. Knoll (Mon to Co. v. Mycogen Plant	santo), pages 2646-2658, Science, Inc., Agricentics
-		conduct, pa Science, Inc District of D	iges 265 c., <i>Agrig</i> elawara	8-2686, dated July enetics, Inc., and (wii. Tomasch (Mycogen/A v 8, 1998, as filed in <i>Mons</i> Ciba-Geigy Corp., 96-133-	grigenetics) on inequitable anto Co. v. Mycogen Plant RRM, United States Court
		Trial Transo 2691-2699, Agrigenetics Delaware	ript, Clodated Just, Inc., a	sing argument by l uly 8, 1998, as filed and Ciba-Geigy Cor	Mr. Drivas (Novartis) on ind in <i>Monsanto Co. v. Myco</i> p., 96-133-RRM, United S	equitable conduct, pages gen Plant Science, Inc., tates Court District of
	į	Trial Transci 1998, as file Geigy Corp.	ript, Clos d in <i>Mor</i> 96-133	sing argument by Nesanto Co. v. Myco	Mr. Lynch (Monsanto), pag gen Plant Science, Inc., A	es 2699-2708, dated July 8,
	2156	Expert report Science, Inc. District of De	t of Mich , <i>Agrige</i> laware	ael Adang, submit netics, Inc., and Ci	ted 3/25/98 in <i>Monsanto C</i> ba-Geigy Corp., 96-133-R	Co. v. Mycogen Plant RM, United States Court
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- 1	158 E	xpert report Science, Inc., District of Dela	of Julia Agrigen	Bailey-Serres , sub etics, Inc., and Cib	omitted 3/25/98 in <i>Monsant</i> pa-Geigy Corp., 96-133-RR	to Co. v. Mycogen Plant
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	10	elaware.		••	A A S A S A S A S A S A S A S A S A S A	v. Mycogen Plant Science, States Court District of
	61 E	chert report of check per	f Lawrei Agrigene ware	nce Bogorad, subm ntics, Inc., and Ciba	nitted 3/25/98 in <i>Monsanto</i> a- <i>Geigy Corp</i> ., 96-133-RRN	Co. v. Mycogen Plant
1	62 Ex Inc	pert report o Agrigeneti laware.	f John D cs, <i>Inc.</i> ,	ewhirst, submitted and Ciba-Geigy Co	3/25/98 in <i>Monsanto Co. V</i> Drp., 96-133-RRM, United	/ Mycogen Plant Science, States Court District of
C16	33 Ex	pert report of	losenh	Ealkinham - L	tted 4/15/98 in <i>Monsanto C</i> -Geigy Corp., 96-133-RRM	

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Signature	Date	
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Substitute for form 1449/PTO				Complete if Known
NEODMAT	ON DIC	01.001	Application Number	07/827,906-Conf. #3375
INFORMATION DISCLOSURE STATEMENT BY APPLICANT			Filing Date	January 30, 1992
			First Named Inventor	Kenneth A. Barton
(Use as man	y sheets as nec	Cessary)	Art Unit	1638
T			Examiner Name	A. R. Kubelik
14 Of 23		Attorney Docket Number	28079/41333	

			23	Attorney Docket Numbe	r 28079/41333	
		District of Delaware			insanto Co. v. Mycogen Plant 133-RRM, United States Court	
	C16	Expert report of Joseph Fall	kinha-	***	nsanto Co. v. Mycogen Plant 33-RRM, United States Court	
		Expert report of John Goolk, Science, Inc., Agrigenetics, District of Delaware	asian, submitt Inc., and Ciba	ed 3/25/98 in Mons -Geigy Corp., 96-13	anto Co. v. Mycogen Plant 33-RRM, United States Court	
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		Expert report of Julia Bailey- Science, Inc., Agrigenetics, II District of Delaware	Serres, submit nc., and Ciba-	tted 4/15/98 in <i>Mon</i> Geigy Corp., 96-13	santo Co. v. Mycogen Plant 3-RRM, United States Court	+
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1	171	Monsanto's Responses to Myon Mycogen Plant, et al. v. Mon District of California (San Disc	cogen's First S nsanto Compa	Set of Interrogatorie any, 95-CV-653, U.S	s, dated July 10, 1995, as filed S. District Court, Southern	+
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STATEMENT BY APPLICANT (Use as many sheets as necessary) 15 or 23 Atomy Judgment of Validity, Denying Motion for Summary Judgment on Claim Construction, filed August 15, 1996, as filed in Mycogen Plant, et al. National Company, 35-CV-630, U.S. District Court, Southern District of California (San Diego). C178 Monsanto's Motion and Notice of Motion for Summary Judgment of Invalidity Under 35 U.S.C. § 102(g) and § 103 Pursuant to Fed. R. Civ. P. 95. dated March 30, 1998, as filed in Mycogen Plant, et al. v. Monsanto Company, 95-CV-633, U.S. District Court, Southern District of California (San Diego). C180 Mycogen's and Agrigenetics's Opposition to Monsanto's Motion for Summary Judgment of Invalidity Under 35 U.S.C. § 102(g) and § 103 (Includes Declaration of F. T. Alexandra Company, 95-CV-633, U.S. District Court, Southern District of California (San Diego). C181 Reply Brief of Monsanto in Support of Its Motion for Summary Judgment of Invalidity Under 35 U.S.C. § 102(g) and § 103, dated April 12, 1998, as filed in Mycogen Plant, et al. v. Monsanto Company, 95-CV-633, U.S. District Court, Southern District of California (San Diego). C182 Monsanto's Motion and Notice of Motion for Summary Judgment of Invalidity Under 35 U.S.C. § 102(g) and § 103, dated April 20, 1998, as filed in Mycogen Plant, et al. v. Monsanto Company, 95-CV-653, U.S. District Court, Southern District of California (San Diego). C182 Monsanto's Motion and Notice of Motion for Summary Judgment of Invalidity of Claims 1-12 of U.S. Patent No. 5,380,831 (includes Declaration of Mellina Patterson), dated March 30, 1998, southern District of California (San Diego). C183 Mycogen's Opposition to Monsanto's Motion for Summary Judgment of Invalidity of Claims 1-12 of U.S. Patent No. 5,380,831 (includes Declaration of F. T. Alexandra Mahaney and Appendix), dated April 31, 1998, as filed in Mycogen Plant, e						Application Number	07/827,906-Conf. #3375		
(Use as many sheets as necessary) At Unit 1638 At Unit 1638 Texamerer Name A. R. Kubelik 15 or 23 Altomey Docket Number 28079/41333 C178 Order Denying Motion for Summany Judgment of Validity; Denying Motion for Summany Judgment of Validity; Denying Motion for Summany Judgment of California (San Diego). Company, 95-CV-633, U.S. District Court, Southern District of California (San Diego). S 102(g) and § 103 Purple of Motion for Summany Judgment of Invalidity Under 35 U.S.C. Plant, et al. v. Monsanto Company, 95-CV-633, U.S. District Court, Southern District of California (San Diego). C179 Monsanto's Motion and Notice of Motion for Summary Judgment of Invalidity Under 35 U.S.C. Plant, et al. v. Monsanto Company, 95-CV-633, U.S. District Court, Southern for Invalidity Under 35 U.S.C. Plant, et al. v. Monsanto Company, 95-CV-633, U.S. District Court, Southern District of California (San Diego). C180 Mycogen's and Agrigenetics's Opposition to Monsanto's Motion for Summary Judgment of Invalidity Under 35 U.S.C. § 102(g) and § 103 (includes Declaration of F.T. Alexandra Company, 95-CV-633, U.S. District Court, Southern District of California (San Diego). C181 Reply Brief of Monsanto in Support of Its Motion for Summary Judgment of Invalidity Under 35 U.S.C. § 102(g) and § 103, disted April 20, 1998, as filed in Mycogen Plant, et al. v. Monsanto Company, 95-CV-653, U.S. District Court, Southern District of California (San Diego). U.S.C. § 102(g) and § 331 (includes Declaration of Melinda Patterson), disted March 30, 1998, as filed in Mycogen Plant, et al. v. Monsanto Company, 95-CV-653, U.S. District Court, Southern District of California (San Diego). C183 Mycogen's Opposition to Monsanto's Motion for Summary Judgment of Invalidity of Claims 1-12 of U.S. Patent No. 5,380,331 (includes Declaration of F.T. Alexandra Mahaney and Appendix), dated April 13, 1998, as filed in Mycogen Plant, et al. v. Monsanto Company, 95-CV-653, U.S. District Court, Southern District of California (San Diego). C184 Reply Memorand		INF	DRMATI	ON DISC	CLOSURE	Filing Date			
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C178 Order Denying Motion for Summary Judgment of Validity; Denying Motion for Summary Judgment Re Interpretation of 3s U.S.C. § 271(g). Caranting Motion for Summary Judgment on Company, 95-CV-633, U.S. District Court, Southern District of California (San Diego). C179 Monsanto's Motion and Notice of Motion for Summary Judgment of Invalidity Under 35 U.S.C. § 102(g) and § 103 Pursuant to Fed. R. Ck. P. 56. dated March 30, 1998, as filed in Mycogen Plant, et al. v. Monsanto Carantino Company, 95-CV-633, U.S. District Court, Southern District of California (San Diego). C180 Mycogen's and Agrigenetics's Opposition to Monsanto's Motion for Summary Judgment of Invalidity Under 35 U.S.C. § 102(g) and § 103 (includes Declaration of F.T. Alexandra Mahaney and Appendix, dated April 13, 1998, as filed in Mycogen Plant, et al. v. Monsanto Company, 95-CV-653, U.S. District Court, Southern District of California (San Diego). C181 Repty Brief of Monsanto in Support of Its Motion for Summary Judgment of Invalidity Under 35 U.S.C. § 102(g) and § 103, dated April 20, 1998, as filed in Mycogen Plant, et al. v. Monsanto Company, 95-CV-653, U.S. District Court, Southern District of California (San Diego). C182 Monsanto's Motion and Notice of Motion for Summary Judgment of Invalidity Under 35 U.S. P. Standard Court, Southern District of California (San Diego). C183 Mycogen's Opposition to Monsanto's Motion for Summary Judgment of Invalidity of Claims 1-12 of u.S. Patent No. 5,330,331 (includes Declaration of Melinda Patterson), dated March 30, 1998, as filed in Mycogen Plant, et al. v. Monsanto Company, 95-CV-653, U.S. District Court, Southern District of California (San Diego). C184 Repty Memorandum in Support of Monsanto's Motion for Summary Judgment of Invalidity of Claims 1-12 of U.S. Patent No. 5,330,331 (includes Declaration of F.T. Alexandra Mahaney and California (San Diego). C185 Plant No. 5,330 (Sa1) (includes Declaration of F.T. Alexandra Mahaney and California (San Diego). C186 Repty Memorandum of San Diego). C1	-					Examiner Name	A. R. Kubelik		
C178 Order Denying Motion for Summary Judgment of Validity: Denying Motion for Summary Judgment Re Interpretation of 35 U.S.C. § 271(g); Granting Motion for Summary Judgment on Claim Construction, filed August 15, 1996, as filed in Mycogen Plant, et al. v. Monsanto Company, 95-CV-653, U.S. District Court, Southern District of California (San Diego). C179 Monsanto's Motion and Notice of Motion for Summary Judgment of Invalidity Under 35 U.S.C. § 102(g) and § 103 Pursuant to Fed. R. Civ. P. 95, dated March 30, 1998, sifed in Mycogen California (San Diego). C180 Mycogen's and Agrigenetics's Opposition to Monsanto's Motion for Summary Judgment of Invalidity Under 35 U.S.C. § 102(g) and § 103 (includes Declaration of F.T. Alexandra Mahaney and Appendix, dated April 13, 1998, as filed in Mycogen Plant, et al. v. Monsanto Company, 95-CV-653, U.S. District Court, Southern District of California (San Diego). C181 Reply Brief of Monsanto in Support of Its Motion for Summary Judgment of Invalidity Under 35 U.S.C. § 102(g) and § 103, dated April 20, 1998, as filed in Mycogen Plant, et al. v. Monsanto Company, 95-CV-653, U.S. District Court, Southern District of California (San Diego). C182 Monsanto's Motion and Notice of Motion for Summary Judgment of Invalidity Under 35 U.S.C. § 102(g) and § 103, dated April 20, 1998, as filed in Mycogen Plant, et al. v. Monsanto Company, 95-CV-653, U.S. District Court, Southern District of California (San Diego). C183 Mycogen's Opposition to Monsanto's Motion for Summary Judgment of Invalidity of Claims 1-12 of U.S. Patent No. 5,380,831 (includes Declaration of Melinda Patterson), dated March 30, 1998, as filed in Mycogen Plant, et al. v. Monsanto Company, 95-CV-653, U.S. District Court, Southern District of California (San Diego). C184 Reply Memorandum in Support of Monsanto's Motion for Summary Judgment of Invalidity of Claims 1-12 of U.S. Patent No. 5,380,831 (includes Declaration of F.T. Alexandra Mahaney and Cy-633, U.S. District Court, Southern District of California (San Die	<u> </u>		15	Of	23	Attorney Docket Number			
Claim Construction, filed August 15, 1996, as filed in Mycogen Plant, et al. v. Monsanto Company, 95-CV-653, U.S. District Court, Southern District of California (San Diego). Stocking and § 103 Pursuant to Fed. R. Civ. P. 56, dated March 30, 1998, as filed in Mycogen Plant, et al. v. Monsanto Company, 95-CV-653, U.S. District Court, Southern District of California (San Diego). California (San Diego). C180 Mycogen's and Agrigenetics's Opposition to Monsanto's Motion for Summary Judgment of Invalidity Under 35 U.S.C. § 102(g) and § 103 (includes Declaration of F.T. Alexandra Company, 95-CV-653, U.S. District Court, Southern District of California (San Diego). C181 Reply Brief of Monsanto in Support of its Motion for Summary Judgment of Invalidity Under 35 U.S.C. § 102(g) and § 103, dated April 20, 1998, as filed in Mycogen Plant, et al. v. Monsanto Company, 95-CV-653, U.S. District Court, Southern District of California (San Diego). C182 Monsanto's Motion and Notice of Motion for Summary Judgment of Invalidity Under 35 U.S.C. § 102(g) and § 103, dated April 20, 1998, as filed in Mycogen Plant, et al. v. Monsanto Company, 95-CV-653, U.S. District Court, Southern District of California (San Diego). C182 Monsanto's Motion and Notice of Motion for Summary Judgment of Invalidity of Claims 1-12 of U.S. Patent No. 5,380,831 (includes Declaration of Melinda Patterson), dated March 30, 1998, as filed in Mycogen Plant, et al. v. Monsanto Company, 95-CV-653, U.S. District Court, Southern District of California (San Diego). C183 Mycogen's Opposition to Monsanto's Motion for Summary Judgment of Invalidity of Claims 1-12 of U.S. Patent No. 5,380,831 (includes Declaration of F.T. Alexandra Mahaney and Appendix), dated April 12, 1998, as filed in Mycogen Plant, et al. v. Monsanto Company, 95-CV-653, U.S. District Court, Southern District of California (San Diego). C184 Reply Memorandum in Support of Monsanto's Motion for Summary Judgment of Invalidity of Claims 1-12 of U.S. Patent No. 5,380,831, filed November 10, 1999,		C	178 Order D	envina Motior	for Summany hade			·····	
Company, 95-CV-653, U.S. District Court, Southern District of California (San Diego). C181 Reply Brief of Monsanto in Support of Its Motion for Summary Judgment of Invalidity Under 35 Company, 95-CV-653, U.S. District Court, Southern District of California (San Diego). C182 Monsanto's Motion and Notice of Motion for Summary Judgment of Invalidity of Claims 1-12 of as filed in Mycogen Plant, et al. v. Monsanto U.S. Patent No. 5,380,831 (includes Declaration of Mellinda Patterson), dated March 30, 1998, as filed in Mycogen Plant, et al. v. Monsanto Company, 95-CV-653, U.S. District Court, Southern District of California (San Diego). C183 Mycogen's Opposition to Monsanto's Motion for Summary Judgment of Invalidity of Claims 1-12 of U.S. Patent No. 5,380,831 (includes Declaration of F.T. Alexandra Mahaney and CV-653, U.S. District Court, Southern District of California (San Diego). C184 Reply Memorandum in Support of Monsanto's Motion for Summary Judgment of Invalidity of Claims 1-12 of U.S. Patent No. 5,380,831 (includes Declaration of F.T. Alexandra Mahaney and CV-653, U.S. District Court, Southern District of California (San Diego). C185 Order Lifting Stay; Order Granting Monsanto's Motion for Summary Judgment of Invalidity of al. v. Monsanto Company, 95-CV-653, U.S. District Court, Southern District of California (San Diego). C186 Mycogen Plant, et al. v. Monsanto Company, 95-CV-653, U.S. District Court, Southern District of California (San Diego). C187 Supplemental Memorandum of Points and Authorities in Support of Monsanto's Motion for 91, 2001, as filed in Mycogen Plant, et al. v. Monsanto Company, 95-CV-653, U.S. District Court, Southern District of California (San Diego). C188 Mycogen San Memorandum of Points and Authorities in Support of Monsanto's Motion for 19, 2001, as filed in Mycogen Plant, et al. v. Monsanto Company, 95-CV-653, U.S. District Court, Southern District of California (San Diego). C189 Reply Memorandum of Points and Authorities in Support of Monsanto's Motion for Summary Judgmen		С	Claim Conpan Compan To Monsant § 102(g) Plant, et California Mycogen Invalidity Mahaney	onstruction, fil y, 95-CV-653 o's Motion an and § 103 Pu al. v. Monsan (San Diego) 's and Agrige Under 35 U.S and Appendi	led August 15, 1996, U.S. District Cound Notice of Motion Irsuant to Fed. R. Coto Company, 95-CN. netics's Opposition S.C. § 102(g) and §	6, as filed in Mycogen t, Southern District of the for Summary Judgmen Siv. P. 56, dated March V-653, U.S. District Co to Monsanto's Motion 103 (includes Declara	Plant, et al. v. Monsanto California (San Diego). nt of Invalidity Under 35 U.S.C. h 30, 1998, as filed in Mycogen burt, Southern District of for Summary Judgment of ation of F.T. Alexandra	1	
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C183 Mycogen's Opposition to Monsanto's Motion for Summary Judgment of Invalidity of Claims 1-12 of U.S. Patent No. 5,380,831 (includes Declaration of F.T. Alexandra Mahaney and Appendix), dated April 13, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company</i> , 95-CV-653, U.S. District Court, Southern District of California (San Diego). C184 Reply Memorandum in Support of Monsanto's Motion for Summary Judgment of Invalidity of al. v. Monsanto Company, 95-CV-653, U.S. District Court, Southern District of California (San Diego). C185 Order Lifting Stay: Order Granting Monsanto's Motion for Summary Judgment Under 35 U.S.C. §§ 102(g) and 103; Order Denying Monsanto's Motion for Summary Judgment Under 35 J.S.C. § 112 as Moot, filed November 10, 1999, as filed in <i>Mycogen Plant, et al.</i> v. Diego). C186 Mycogen Plant, et al. v. Monsanto Company, 252 F.3d 1306 (Fed. Cir. 2001) – Inter alia, reversing summary judgment of invalidity under 35 U.S.C. § 102(g). C187 Supplemental Memorandum of Points and Authorities in Support of Monsanto's Motion for 19, 2001, as filed in <i>Mycogen Plant, et al.</i> v. Monsanto Company, 95-CV-653, U.S. District Court, Southern District of California (San Diego). C188 Mycogen's Opposition to Monsanto's Motion on Remand for Summary Judgment of Invalidity Plant, et al. v. Monsanto Company, 95-CV-653, U.S. District Court, Southern District of California (San Diego). C189 Reply Memorandum of Points and Authorities in Support of Monsanto's Motion for Summary Judgment of Invalidity Plant, et al. v. Monsanto Company, 95-CV-653, U.S. District Court, Southern District of California (San Diego). C189 Reply Memorandum of Points and Authorities in Support of Monsanto's Motion for Summary as filed in Mycogen Plant, et al. v. Monsanto Company, 95-CV-653, U.S. District Court, Southern District of California (San Diego).			32 Monsanto U.S. Pater as filed in	, 95-CV-653, 's Motion and nt No. 5,380,8 <i>Mycogen Plai</i>	U.S. District Court, Notice of Motion for (31 (includes Declared et al. v. Mogazze	Southern District of Cor or Summary Judgment	alifornia (San Diego). I of Invalidity of Claims 1-12 of		
C185 Order Lifting Stay; Order Granting Monsanto's Motion for Summary Judgment Under 35 U.S.C. §§ 102(g) and 103; Order Denying Monsanto's Motion for Summary Judgment Under 35 35 U.S.C. § 112 as Moot, filed November 10, 1999, as filed in <i>Mycogen Plant, et al. v.</i> Diego). C186 <i>Mycogen Plant, et al. v. Monsanto Company</i> , 252 F.3d 1306 (Fed. Cir. 2001) – <i>Inter alia</i> , reversing summary judgment of invalidity under 35 U.S.C. § 102(g). C187 Supplemental Memorandum of Points and Authorities in Support of Monsanto's Motion for 19, 2001, as filed in <i>Mycogen Plant, et al. v. Monsanto Company</i> , 95-CV-653, U.S. District Court, Southern District of California (San Diego). C188 Mycogen's Opposition to Monsanto's Motion on Remand for Summary Judgment of Invalidity Plant, et al. v. Monsanto Company, 95-CV-653, U.S. District Court, Southern District of California (San Diego). C189 Reply Memorandum of Points and Authorities in Support of Monsanto's Motion for Summary Judgment of Invalidity of Claims 1-12 of U.S. Patent No. 5,380,831, dated December 10, 2001, as filed in <i>Mycogen Plant, et al. v. Monsanto Company</i> , 95-CV-653, U.S. District Court, Southern District of California (San Diego).		Appendix), dated April 13, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company</i> , 95- C184 Reply Memorandum in Support of Monsanto's Motion for Summary Judgment of Invalidity of Claims 1-12 of U.S. Patent No. 5, 300,000 to 100.					v. Monsanto Company, 95- iego). Ty Judgment of Invalidity of		
C187 Supplemental Memorandum of Points and Authorities in Support of Monsanto's Motion for Summary Judgment of Invalidity of Claims 1-12 of U.S. Patent No. 5,380,831, filed November Court, Southern District of California (San Diego). C188 Mycogen's Opposition to Monsanto's Motion on Remand for Summary Judgment of Invalidity of Claims 1-12 of U.S. Patent No. 5,380,831, dated December 3, 2001, as filed in Mycogen California (San Diego). C189 Reply Memorandum of Points and Authorities in Support of Monsanto's Motion for Summary Judgment of Invalidity of Claims 1-12 of U.S. Patent No. 5,380,831, dated December 10, 2001, as filed in Mycogen Plant, et al. v. Monsanto Company, 95-CV-653, U.S. District Court, Southern District of California (San Diego).			U.S.C. §§ 1 35 U.S.C. § Monsanto C Diego).	g Stay; Order 02(g) and 103 112 as Moot, company, 95-0	Granting Monsanto 3; Order Denying Monsanto filed November 10, CV-653, U.S. Distric	i's Motion for Summar onsanto's Motion for S , 1999, as filed in <i>Myci</i> t Court, Southern Dist	y Judgment Under 35 Summary Judgment Under ogen Plant, et al. v. trict of California (San		
C188 Mycogen's Opposition to Monsanto's Motion on Remand for Summary Judgment of Invalidity of Claims 1-12 of U.S. Patent No. 5,380,831, dated December 3, 2001, as filed in <i>Mycogen California</i> (San Diego). C189 Reply Memorandum of Points and Authorities in Support of Monsanto's Motion for Summary Judgment of Invalidity of Claims 1-12 of U.S. Patent No. 5,380,831, dated December 10, 2001, Southern District of California (San Diego).			Supplementa Summary Ju 19, 2001, as	Memorandudgment of Inv	im of Points and Au alidity of Claims 1-1	thorities in Support of 2 of U.S. Patent No. 5	Monsanto's Motion for		
C189 Reply Memorandum of Points and Authorities in Support of Monsanto's Motion for Summary Judgment of Invalidity of Claims 1-12 of U.S. Patent No. 5,380,831, dated December 10, 2001, as filed in <i>Mycogen Plant, et al. v. Monsanto Company</i> , 95-CV-653, U.S. District Court, Southern District of California (San Diego).		C188 Mycogen's Opposition to Monsanto's Motion on Remand for Summary Judgment of Invalidity of Claims 1-12 of U.S. Patent No. 5,380,831, dated December 3, 2001, as filed in Mycogen California (San Diego).							
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INFO	RMATI	ON DIS	CLOSURE	Application Number	07/827,906-Conf. #3375
STA	TEMEN	TRVA	PPLICANT	Filing Date	January 30, 1992
· · · ·	141 - 14	DIA	PPLICANT	First Named Inventor	Kenneth A. Barton
	(Use as man)	y sheets as n	ecessary)	Art Unit	1638
T	16			Examiner Name	A. R. Kubelik
		Of	23	Attorney Docket Number	28079/41333
					ated June 4, 2002, as filed in
	Plant, et	⊏xpeπ κep al. v. Mons a (San Dioc	ort of John T. Goolka anto Company, 95-C	sian, dated Novembe V-653, U.S. District C	er 13, 2003, as filed in Mycogen
	Plant, et California	Expert Repo al. v. Monsa (San Diego Proof of Dr	ort of Dallas E. Johns anto Company, 95-C\ o).	on, dated November V-653, U.S. District C	13, 2003, as filed in <i>Mycogen</i> ourt, Southern District of
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					12, 1997, as filed in <i>Mycogen</i> J.S. District Court, District of
1		M [] ~ []		· · · · · · · · · · · · · · · · · · ·	Land Company, dated o Company, et al, 1:96-cv-
	Interrogator	ries, dated [December 9, 1997, as	errogatory Nos. 7 and s filed in <i>Mycogen Pla</i>	9 of DeKalb's Second Set of
	in Mycogen's District of D	Response to Plant, et al.	o Monsanto's First Se v. Monsanto Compa	et of Interrogatories, only, et al, 1:96-cv-005	dated June 24, 1997, as filed
1 1	December 2 00505-RRM	Supplement 23, 1997, as	al Response to Mons filed in Mycogen Plan	anto's First Set of Int	errogatories, dated
0200	23, 1997, as U.S. District	Responses filed in Myo	to Mycogen's and Ag cogen Plant, et al. v. M	ingenetics' First Set of Monsanto Company	of Interrogatories, dated April
0201	November 21 0505-RRM.	and Delta ar 1, 1997, as f U.S. Distric	nd Pine Land's Supple iled in <i>Mycogen Plan</i>	emental Responses t t, et al. v. Monsanto (o Interrogatories, dated
0202	lated April 28 0505-RRM	ie Land's Re 3, 1997, as f 11 S. District	esponses to Mycogen iled in Mycogen Plan	n's and Agrigenetics' l	First Set of Interrogatories,
5	ogen's an 0, dated Feb :96-cv-0050	nd Agrigenet Pruary 20, 19 5-RRM U.S.	ics' Motion for Judgm 198, as filed in Mycog	nent as a Matter of La ven Plant, et al. v. Mor	w Under Fed. R. Civ. P.
C204 N	lycogen's an Bw Under Fe	d Agrigeneti	cs' Post-Trial Brief in	Support of Motion for	ngton). r Judgment as a Matter of 1998, as filed in Mycogen District Court, District of

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- 1	STA	TEMENT	N DI20	LOSURE	Filing Date	January 30, 1992		
- 1	317	I EMEM	BY AP	PLICANT	First Named Inventor	First Named Inventor Kenneth A. Barton		
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	T	17			Examiner Name	A. R. Kubelik		
<u> </u>		17	Of	23	Attorney Docket Number			
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	C21 C21 C21 C212 C213	Company, of Law, da 1:96-cv-00: Civ. P. 50, 1:96-cv-00: Monsanto's the Close of Company, of Monsanto Company, of M	et al, 1:96- lum of DeKa ted April 27 505-RRM, L Reply Brief dated May 505-RRM, L and Delta f Evidence, et al, 1:96-ca and Delta dated Febru v-00505-RR m in Suppoi a Matter of company, et al alick, Ashby mmary Judg mpany, et al gersoll to Ju- gment Argui mpany, et al	and Pine Land's Fed. R. Civ. P. 50 4), dated April 27 cv-00505-RRM, U alb Genetics in Op 1998, as filed in J.S. District Court, in Support of Its I 11, 1998, as filed J.S. District Court, and Pine Land's R dated February 2 v-00505-RRM, U.S. and Pine Land's R dary 20, 1998, as IM, U.S. District C t of Monsanto's a I Law, dated Marc al, 1:96-cv-00505- intiffs' Opposition Law, dated May II, 1:96-cv-00505- Geddes to Jud ment, dated Octo II, 1:96-cv-00505-R dge McKelvie re M ment, dated Janua II, 1:96-cv-00505-R Pine Land's Brief	Opposition to Mycoger (includes Appendix in S., 1998, as filed in Mycogen. S. District Court, District Opposition to Plaintiff's M. Mycogen Plant, et al. v., District of Delaware (V. Motion for Judgment as in Mycogen Plant, et al. District of Delaware (W. Renewed Motion for Judgment of Judgmen	a Matter of Law Under Fed. v. Monsanto Company, et al. v. Monsanto Company, et al. v. Monsanto Law at gen Plant, et al. v. Monsanto t of Delaware (Wilmington). gment as a Matter of Law aft et al. v. Monsanto Company re (Wilmington). d's Renewed Motions for Mycogen Plant, et al. v. urt, District of Delaware ta and Pine Land's Motion for cogen Plant, et al. v. rt, District of Delaware Raised in DeKalb's Motion of Mycogen Plant, et al. v. tt, District of Delaware Banner Deposition for Mycogen Plant, et al. v. t, District of Delaware	R. all,	
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	INFO	RMATIO	N DI	SCLOSURE	Application Number	07/827,906-Conf. #3375
	STA	TEMENT	DV A	CLUSURE	Filing Date	January 30, 1992
- '	JIA	ICIVICIVI	BYA	PPLICANT	First Named Inventor	Kenneth A. Barton
		(Use as many sh	eets as i	7000000 A	Art Unit	1638
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		District Cou 19 Plaintiffs' Ar Nos. 5 567	rt, Distri	cogen Plant, et al. ict of Delaware (Wi Brief to Monsanto	v. Monsanto Company Imington). o's Motion for Summary	Motion for Summary Judgment U.S.C. § 112, dated October 27, c, et al, 1:96-cv-00505-RRM, U.S.
	1	District of De 20 Declaration Motion for Si as filed in Mo	elaware of Dr. G ummary	W. Wonsanto Con (Wilmington). uy Cardineau in Sur Judgment of Invali	ipport of Plaintiffs' Answidty Under 35 U.S.C. §	0505-RRM, U.S. District Court,
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		(Wilmington). Plaintiffs' Ansudated Novembor- cv-00505-RRM Declaration of	wering E per 18, 1 1, U.S. [Keith W	et al, 1:96-cv-0050: Brief to DeKalb's Mo 1997, as filed in Myo District Court, District alker in Support of	5-RRM, U.S. District Continuous for Partial Summa cogen Plant, et al. v. M. ct of Delaware (Wilming Answering Brief to Delaware)	Calb's Motion for Dartin
	C226	DeKalb's Reply (includes Apper Company, et al. Judgment, date al, 1:96-cv-0050	Brief in ndix), da , 1:96-cv d Febru)5-RRM	Support of Its Moti ated December 11, -00505-RRM, U.S. ary 5, 1998, as filed U.S. District Court	ion for Partial Summary 1997, as filed in Mycog District Court, District d in Mycogen Plant, et a	Judgment of Invalidity
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	(Donaid W. Bann Monsanto Comp Wilmington).	er Expe any, et a	rt Report, dated No al, 1:96-cv-00505-R	evember 3, 1997, as file RRM, U.S. District Court	ed in Mycogen Plant, et al. v.
	1229 L	Jallas Johnson E Monsanto Compa Wilmington)	Expert R any, et a	eport, dated Noven d, 1:96-cv-00505-R	nber 3, 1997, as filed in RM, U.S. District Court	Mycogen Plant, et al. v.
	1230 J N (V	oacnim Messing fonsanto Compa Vilmington).	Expert Iny, et a	Report, dated Nove I, 1:96-cv-00505-RI	ember 3, 1997, as filed RM, U.S. District Court,	in Mycogen Plant, et al. v.
	231 L	Wrence Booors	d Evan	• D	vember 14, 1997, as file RRM, U.S. District Cou	
niner ature					Date	

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are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO			Complete if Known		
NFORMAT	ON DIC	21.001	Application Number	07/827,906-Conf. #3375	
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STATEMEN	I BY AP	PLICANT	First Named Inventor	Kenneth A. Barton	
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			Examiner Name	A. R. Kubelik	
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	Joseph O. Falkinham Rebuttal Report, dated November 24, 1997, as filed in <i>Mycogen Plant,</i> et al. v. Monsanto Company, et al, 1:96-cv-00505-RRM, U.S. District Court, District of
0	233 Mycogen Plant Science, Inc. v. Monsanto Co., 243 F.3d 1316 (2001).
C	Trial Transcript, Opening Statement by Mr. Olson, pages 80-96, 101-118, dated January 20, 1998, as filed in Mycogen Plant, et al. v. Monsanto Company, et al. 100
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C242	I lian Transcript Frederick I Date I Date I
C243	100505-RRM, U.S. District Court, District of D. Wolfsanto Company, et al. 1:96-cv-
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C244	Trial Transcript Erodorick & D. L. C. Soldware (William).
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C245	Inal Transcript Sylvia McPhanne Di
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C246	Trial Transcript Sylvia McPhamas C.
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Examiner		
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number. Substitute for form 1449/PTO Complete if Known Application Number 07/827,906-Conf. #3375 INFORMATION DISCLOSURE Filing Date January 30, 1992 STATEMENT BY APPLICANT First Named Inventor Kenneth A. Barton Art Unit 1638 (Use as many sheets as necessary) Examiner Name A. R. Kubelik 20 Of 23 Attorney Docket Number 28079/41333

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C258	3 Trial Transcript, David Firehhoff, David Colaware (Wilmington).
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	Trial Transcript Catherine Maria Maria (Wilmington).
C261	Trial Transcript Catherine Macket Discounting (William).

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PTO/SB/08b (10-08)

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INFORMATION DISCLOSURE				Application Number	07/827,906-Conf. #3375	
				Filing Date	January 30, 1992	
STATEMENT BY APPLICANT (Use as many sheets as necessary)			PLICANT	First Named Inventor	Kenneth A. Barton	
			eseand	Art Unit	1638	
			essary)	Examiner Name	A. R. Kubelik	
	21	Of	23	Attorney Docket Number		

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	C262 Trial Transcript, Cathorino Mostra, C
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C	265 Trial Transcript Michael A. Stanbare 3. Sciaware (Willington).
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C	Trial Transcript, Michael A. Stephens, Continued Cross-Examination by Mr. Olson, pages 1342-1344, dated January 27, 1998, as filed in Mycogan Plant.
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C27	1 Trial Transcript Deposition Testimon
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C27	2 Trial Transcript Deposition Tactiment
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C27:	3 Trial Transcript Joseph O. Follish Science (William).
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02/4	Trial Transcript, Joseph O. Falkinham, Cross-Examination by Mr. Lynch, pages 1654-1690, dated January 28, 1998, as filed in Mycogen Plant, et al. v. Marson 1998.
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C275	Trial Transcript Joseph O. Falkinhan O Trial Transcript
	1691, dated January 28, 1998, as filed in Mycogen Plant of the Baumgartner, pages 1690-
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C276	Trial Transcript Joseph O. Folkishaw D. History D. Hist
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NEODMAT	ION DIG	31.00	Application Number	07/827,906-Conf. #3375
INFORMATI	ICH DISC	LOSURE	Filing Date	January 30, 1992
STATEMENT BY APPLICANT (Use as many sheets as necessary)			First Named Inventor	Kenneth A. Barton
			Art Unit	1638
		Examiner Name	A. R. Kubelik	
22	Of	23	Attorney Docket Number	28079/41333

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C	277 Trial Transcript Michael I. Adams Discoto
	1747-1750, dated January 28, 1998, as filed in <i>Mycogen Plant</i> , et al. v. Monsanto Company et al. 1:96-cy-00505-RPM LLS District Plant in Mycogen Plant, et al. v. Monsanto Company
C	278 Trial Transcript, Michael I. Adams O
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C2	dated January 28, 1998, as filed in Advance Office and Property of the Propert
C2	80 Trial Transcript Michael I. Adore D. II.
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C28	81 Trial Transcript Deposition Testimone (William).
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C28	3 Trial Transcript Jean Person Co.
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C285	Trial Transcript, Deposition Testimony of Carolyn Stock (Continued), pages 1933-1939, dated
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C200	2013. dated January 19, 1998, on Sier Examination by Mr. Katcoff, pages 1970-1993, 2003
C287	Trial Transcript Theodore Klain C
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C288	1998, as filed in Mycogen Plant, et al. is Morana 29
C2891	Trial Transcript Deposition Test
	Trial Transcript, Deposition Testimony of Charles Armstrong, pages 2063-2074, dated January U.S. District Court, District of Delaware (Wilmington).
C290	Trial Transcript, Deposition Testimony of Ben Bowen, pages 2074-2094, dated January 29
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0291	Trial Transcript, Deposition Testimony of William Gurley, pages 2132-2141, dated January 29, 1998, as filed in <i>Mycogen Plant, et al. v. Monsanto Company, et al.</i> , 1:96-cv-00505-RRM, U.S. District Court, District of Delaware (Wilmington).

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INFORMAT	ION DISA	CI OSUDE	Application Number	07/827,906-Conf. #3375
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)			Filing Date	January 30, 1992
			First Named Inventor	Kenneth A. Barton
			Art Unit	1638
23			Examiner Name	A. R. Kubelik
	Of	23	Attorney Docket Number	

	28079/41333
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	Monsanto Company, et al., 1:96-cv-00505-RRM, U.S. District Court, District of Delaware
- 1	(Wilmington) (Wilmington) (Wilmington)

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